

---

10/052,030

MS172066.01/MSFTP682US

**REMARKS**

Claims 1 and 3-50 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 1, 3-14, 16, 17, 22, 24-26, 28-33, 35-39, 41-46, 49 and 50 Under 35 U.S.C. §102(e)**

Claims 1, 3-14, 16, 17, 22, 24-26, 28-33, 35-39, 41-46, 49 and 50 stand rejected under 35 U.S.C. §102(e) as being anticipated by Alanara, *et al.* (US 6,292,668). This rejection should be withdrawn for at least the following reasons. Alanara, *et al.* does not teach or suggest each and every limitation of the invention as recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

**Independent claim 1 and its corresponding dependent claims:**

Independent claim 1 recites *an active messaging system in communication with a short text messaging service of a digital cellular telephone system, comprising ... an active messaging client [that] ... includes an active message loader that distinguishes and directs short text messages according to whether they include an active message script ... and an active message gateway in communication with the short text messaging service to receive short text messages from the digital cellular telephone and selectively forwarding the short text messages according to whether they include an active message script ... and maintains a database of access privileges of registered digital cellular telephones and registered application servers.* The active message loader distinguishes short text messages from conventional short text messages by, for example, header information. (*See e.g.*, pg. 13, ¶ [0048]). The active message gateway selectively forwards the short text message to an application server. (*See e.g.*, pg. 10, ¶ [0039]). Alanara, *et al.* does not teach or suggest such novel features.

---

10/052,030

MS172066.01/MSFTP682US

Alanara, *et al.* relates to a terminal capable of supporting a plurality of applications and communicating user messages. (See e.g., col. 1, lns. 9-12). The Office Action incorrectly asserts that the applications 17 and 18 of Alanara, *et al.* "reads on the active messaging client." The applications (17, 18) are terminal application programs that perform different kinds of services and run different types of applications. (See e.g., col. 21, lines 11-18). The applications 17, 18 merely handle application related information. (See e.g., Abstract; col. 2, lines 1-9; col. 21, lines 44-46). An example of such applications 17, 18 is a business card. (See e.g., col. 7, lns. 7-52 and FIG. 6.). Another example of an application is illustrated in FIG. 7 and associated specification. However, the applications 17, 18 of Alanara, *et al.* do not include an active message loader that distinguishes and directs short text messages according to whether they include an active message script as claimed. Nor do the applications 17, 18 of Alanara, *et al.* provide interpretation and execution of an active message script included in a short text message as claimed.

Alanara, *et al.* discloses a server (SERV) of a service provider in communication with a short message service centre (SM-SC). (See e.g., col. 18, ln. 61 to col. 19, ln. 3; and FIG. 8). The SERV receives a query from the user terminal or communicator 1, interprets the query, and responds to it. (See e.g., col. 19, lns. 23-25). The SERV may also send a response to the user as a short message that the communicator or terminal 1 interprets and transforms into a form legible to the user. (See e.g., col. 19, lns. 25-29). However, the SERV is simply responding to a user query, they are not selectively forward short text messages according to whether they include an active message script as claimed.

Additionally, the SERV does not maintain a database of access privileges of registered digital cellular telephones and registered application servers. Rather, Alanara, *et al.* discloses a primitive authorization command that is used to add a list of authorized services for a given menu. (See e.g., col. 13, lns. 52-55). The primitive authorization command is located in the terminal, not the SERV nor the server GTW. (See e.g., col. 13, lns. 46-48). Thus, Alanara, *et al.* does not teach or suggest an active message gateway that maintains a database of access privileges of registered digital cellular telephones and registered application servers, as claimed.

The Office Action discusses a "server gateway (SERV GTW)" of Alanara, *et al.* as "reading on the claimed 'active message gateway'." The SERV GTW is in communication with a personal computer and a mobile services switching centre (MSC). (See e.g., col. 5, lns. 34-44;

10/052,030MS172066.01/MSFTP682US

and FIG. 2). The SERV GTW does not receive short text messages from a digital cellular telephone as in applicants' claimed invention. Instead, the SERV GTW has a connection to the Internet and receives messages sent by a personal computer. (See e.g., col. 5, lines 34-52). Additionally, the SERV GTW does not maintain a database of access privileges of registered digital cellular telephones and registered application servers.

Based on at least the foregoing, the cited reference does not teach or suggest applicants' invention as recited in the subject claims. Accordingly, this rejection should be withdrawn and the subject claims allowed.

**Independent claim 10 and its corresponding dependent claims:**

Independent claim 10 recites *in a computer readable medium of a digital cellular telephone, active messaging client software for active messages transmitted via a short text messaging service, comprising...active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script.* The active messaging loader software distinguishes active messages from conventional messages. (See e.g., Page 13, ¶[0048]). The active messages are sent to the active message interpreter software and the conventional messages are sent, for example, to storage. (See e.g., *id.*).

Alanara *et al.* does not have such novel features and merely discloses "an identifier, which enables the receiving terminal to process the received message directly into an application." (See e.g., col. 6, lines 29). Alanara, *et al.* is silent regarding distinguishing and directing short text messages according to whether they include an active message script.

Based on at least the above, this rejection should be withdrawn.

**Independent claim 17 and its corresponding dependent claims:**

Independent claim 17 recites *in a computer readable medium of a digital cellular telephone, an active message script data structure for active messages transmitted via a short text messaging service, comprising ... an <Instruction> field ... one byte in size and specifies a command to be executed; <Flags> field ... one byte in size and specifies one or more options for the command; <Data> Field specifies any data associated with the command; and <Address> field is two bytes in size and is a byte-address of an instruction to be executed under*

---

10/052,030

MS172066.01/MSFTP682US

*predefined conditions related to the command.* Alanara, et al. does not teach or suggest such novel features.

Alanara et al., discloses that when the length of a message exceeds a maximum length, the message is segmented into parts M1-M4 and sent in several frames FR1-FR4. (See e.g., col. 5, ln. 66 to col. 6, ln. 4; and FIG. 4a and 4b). The message is divided into three fields ADD, CTRL, and INFO. (See e.g., col. 6, lns. 12-28). ADD contains the address of the destination of the message. (See e.g., col. 6, lns. 12-15). CTRL is a control field that contains the sending frame and receiving frame numbers N(S) and N(F). INFO is a data field that contains the actual information or data and contains a maximum of 168 bits of information. (See e.g., col. 6, lns. 25-28). Alanara, et al. does not teach or even suggest an <Address> field that is a byte-address of an instruction to be executed under predefined conditions related to the command, as claimed. Further, Alanara, et al. is silent regarding an <Instruction> field that specifies a command to be executed and a <Flags> field that specifies one or more options for the command as recited in the subject claims.

Accordingly, withdrawal of this rejection and allowance of independent claim 17 (and its corresponding dependent claims) is requested.

**Independent claim 30 and its corresponding dependent claims:**

Independent claim 30 recites *in a mobile telephone short text messaging system, an active message gateway method for short text messages that include an active message script, comprising ... distinguishing among short text messages ones that include an active message script from ones that do not include an active message script .... and forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination address.* These features are not taught or even suggested by Alanara, et al.

Alanara, et al. discloses dividing a short message into parts or frames and storing the short message in a SM-SC (Short Message Service Centre) that, when contacted, sends the message to its actual destination. (See e.g., col. 4, lns. 46-52). The user sends a message by giving a phone number of the destination where the message is to be transmitted. (See e.g., col. 5, lns. 11-21). Alanara, et al. is silent regarding distinguishing among the short text messages ones that include an active message script and those that do not include an active message script.

10/052,030MS172066.01/MSFTP682US

Based on at least the foregoing, Alanara, *et al.* does not teach or even suggest all limitations as recited in the subject claims. Accordingly, this rejection should be withdrawn and the subject claims allowed.

**Independent claim 36 and its corresponding dependent claims:**

Independent claim 36 recites *in a computer readable medium of a mobile telephone short text messaging system, active message gateway software for short text messages that include an active message script, comprising ... software for distinguishing among the short text messages ones that include an active message script from ones that do not.* Alanara, *et al.* is silent regarding these novel features.

Alanara, *et al.* simply discloses a short message that is divided into frames that are stored in a short message in a SM-SC (Short Message Service Centre). (*See e.g., col. 4, lns. 46-52.*) When the SM-SC is contacted, it sends the frames to a destination. (*See e.g., id.*) The message is sent to the destination by the user providing the phone number to where the message is to be transmitted. (*See e.g., col. 5, lns. 11-21.*) Alanara, *et al.* is silent regarding distinguishing among the short text messages ones that include an active message script and those that do not include an active message script and merely sends all messages to a destination when the SM-SC is contacted.

Based on at least the foregoing, Alanara, *et al.* does not teach or suggest all claim limitations. Accordingly, this rejection should be withdrawn and the subject claims allowed.

**II. Rejection of Claims 15 and 27 Under 35 U.S.C. §103(a)**

Claims 15 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara, *et al.* in view of Comer (US 5,610,973). This rejection should be withdrawn for at least the following reasons. Neither Alanara, *et al.* nor Comer, alone or in combination, teach or suggest all limitations as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to

10/052,030MS172066.01/MSFTP682US

one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 15 and 27 depend from claims 1 and 17. As discussed *supra*, Alanara, *et al.* does not teach or suggest all limitations of claims 1 and 17, and Comer *et al.*, alone or in combination with Alanara, *et al.*, does not make up for the aforementioned deficiencies. Comer *et al.* relates to detecting the presence of mobile radiotelephones within a cellular network. (See e.g., col. 1, lns. 7-14). Comer, *et al.* does not teach or suggest *an active message loader that distinguishes and directs short text messages according to whether they include an active message script ... an active message gateway in that selectively forwards the short text messages according to whether they include an active message script and maintains a database of access privileges of registered digital cellular telephones and registered application servers* as recited in independent claim 1. Nor does Comer, *et al.* teach or suggest an <Address> field that is a byte-address of an instruction to be executed under predefined conditions related to the command, an <Instruction> field that specifies a command to be executed or a <Flags> field that specifies one or more options for the command as recited in independent claim 17.

Based on at least the foregoing, neither Alanara, *et al.* nor Comer, *et al.*, alone or in combination, teach or suggest all limitations as recited in the subject claims. Accordingly, this rejection should be withdrawn and the subject claims allowed.

### **III. Rejection of Claims 18-21, 23, 34, 40 and 47 Under 35 U.S.C. §103(a)**

Claims 18-21, 23, 34, 40 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara, *et al.* in view of Chen, *et al.* (US Application 2003/0054810). This rejection should be withdrawn for at least the following reasons. Neither Alanara, *et al.* nor Chen, *et al.*, alone or in combination, teach or suggest all limitations as recited in the subject claims.

---

10/052,030

MS172066.01/MSFTP682US

Claims 18-21 and 23 depend from independent claim 17, claim 34 depends from independent claim 30, and claims 40 and 47 depend from independent claim 36. As discussed *supra*, Alanara, *et al.* does not teach or suggest all limitations recited in the subject independent claims and Chen, *et al.* fails to make up for these deficiencies. Specifically, Chen, *et al.* relates to a platform that allows mobile devices to communicate and to securely access corporate and Internet contents and services. (*See e.g.*, Abstract). Chen, *et al.* is silent regarding an <Address> field, an <Instruction> field or a <Flags> field as recited in independent claim 17. Nor does Chen, *et al.* teach or suggest distinguishing among short text messages ones that include an active message script and those that do not include an active message script as recited in independent claim 30 (similar limitations are recited in independent claim 36).

Accordingly, neither Alanara, *et al.* nor Chen, *et al.*, alone or in combination, teach or suggest all limitations as recited in the subject claims. Therefore, it is respectfully submitted that this rejection be withdrawn and the subject claims allowed.

#### **IV. Rejection of Claim 48 Under 35 U.S.C. §103(a)**

Claim 48 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara, *et al.* This rejection should be withdrawn for at least the following reasons. Claim 48 depends from independent claim 36 and, as discussed *supra*, Alanara, *et al.* does not teach or suggest each and every element recited in independent claim 36. Specifically, Alanara, *et al.* does not teach or suggest: *in a computer readable medium of a mobile telephone short text messaging system, active message gateway software for short text messages that include an active message script, comprising ... software for distinguishing among the short text messages ones that include an active message script from ones that do not.* Since Alanara, *et al.* does not teach or suggest all limitations recited in independent claim 36, it cannot teach or suggest all limitations are recited in claim 48 that depends there from. Accordingly, this rejection should be withdrawn and the subject claim allowed.

10/052,030

MS172066.01/MSFTP682US

CONCLUSION

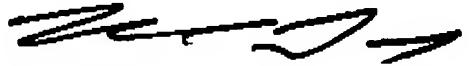
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP682US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731